

**FILED****JUL 26 2015**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS OFFICE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MALCOLM K. LEE, Sr.

Defendant.

CASE NUMBER:

3:15-mj-3093-DGN

**FILED UNDER SEAL****CRIMINAL COMPLAINT**

I, Daniel D. Cook, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief:

**COUNT 1****KIDNAPPING**

On or about the 15th day of June, 2015, in the Southern District of Illinois, defendant,

**MALCOLM K. LEE, Sr.,**

did unlawfully and willfully seize, confine, inveigle, kidnap, abduct and hold A.J. and T.A. and, in committing or in furtherance of the commission of the offense, used a cellular telephone, a means, facility, and instrumentality of interstate commerce,

All in violation of Title 18 U.S.C. § 1201(a)(1).

**COUNT 2****COERCION**

On or about the 15th day of June, 2015, in the Southern District of Illinois, defendant,

**MALCOLM K. LEE, Sr.,**

knowingly persuaded, induced, and enticed A.J. and T. A. to travel in interstate commerce, that

is, from Missouri to the Southern District of Illinois, to engage in prostitution and in sexual activity for which a person can be charged with a criminal offense, and aided and abetted such conduct,

All in violation of Title 18 U.S.C. §§ 2 and 2422(a).

**COUNT 3**

**BRANDISHING A FIREARM DURING A CRIME OF VIOLENCE**

On or about the 15th day of June, 2015, in the Southern District of Illinois, defendant,

**MALCOLM K. LEE, Sr.**

did knowingly brandish, carry and use a firearm during and in relation to, and did knowingly possess a firearm in furtherance of, a crime of violence for which he may be prosecuted in a court of the United States, that is, Kidnapping as charged in Count 1 and Coercion as charged in Count 2,

All in violation of Title 18 U.S.C. § 924(c)(1)(A).

I further state that I am Special Agent with the Federal Bureau of Investigation and that this complaint is based on the following facts:

**AFFIDAVIT**

Your Affiant, Daniel D. Cook, after being duly sworn, does hereby state that he is a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and has been so employed for five and a half years, and as such is vested with the authority to investigate violations of Federal laws, including Titles 18 and 21 of the United States Code. Your Affiant also has six years prior Federal law enforcement experience as a United States Postal Inspector and six years prior state law enforcement experience as a municipal Police Officer for the City of Lincoln, Nebraska. Your Affiant is currently assigned to the Springfield Division of the FBI, Fairview Heights, Illinois Resident Agency and has primary investigative responsibilities for

violent and drug crimes occurring in the Southern District of Illinois.

The statements contained in this affidavit are based on the investigation of your Affiant, as well as information derived from reports and interviews of the law enforcement officers and witnesses named herein. As used in this affidavit, "xx" and "xxx" signify redaction. In support of this Complaint, your Affiant states as follows:

1) On June 15, 2015, two persons with the initials of A.J. and T.A. created and posted an advertisement on the Internet website www.backpage.com which contained the following language, "Sexy and sophisticated, girl next door, ask about a two girl special, we're waiting." The advertisement also contained A.J.'s personal cellular telephone number of "618-xxx-0828." Based on your Affiant's training and experience, www.backpage.com is frequently used to post advertisements for soliciting prostitution.

2) On June 15, 2015, shortly after posting the advertisement on www.backpage.com, A.J.'s personal cellular telephone number of 618-xxx-0828 received an incoming telephone call from telephone number 470-xxx-3663. An adult male voice spoke with A.J. and a meeting was scheduled with A.J., T.A., and the adult male that was to occur on June 15, 2015, at the Flying J Truck Stop located in Pontoon Beach, Illinois.

3) After receiving the telephone call from telephone number 470-xxx-3663, A.J. and T.A. drove from the State of Missouri, to the State of Illinois, to the Flying J Truck Stop in Pontoon Beach, Illinois.

4) At the Flying J Truck Stop, A.J. and T.A. met an adult black male in the parking lot near what they would later tell law enforcement officers was a blue semi-truck with a white trailer. After a short conversation, the adult black male brandished and pointed a handgun at A.J. and T.A. and forced them at gunpoint to get into the blue semi-truck. Once inside the blue

semi-truck, the adult black male placed silver duct tape over the eyes and mouths of A.J. and T.A. The adult black male used zip-ties to bind the hands of A.J. and T.A. The adult black male used rope or cable to bind the feet of A.J. and T.A.

5) The adult black male then drove the blue semi-truck to an unknown location. The adult black male then repeatedly raped A.J. and T.A. The adult black male threatened to assault and kill A.J. and T.A. if they did not comply with his demands. The adult black male forced A.J. and T.A. to use baby wipes to clean themselves after having penile vaginal intercourse with them. The adult black male forced A.J. and T.A. to perform oral sex on him. T.A. reported seeing what she believed was a birthmark, about the size of a dime, on the adult black male's left inner thigh while performing oral sex on the adult black male. The adult black male forced A.J. and T.A. to urinate in a plastic-lined bucket inside the blue semi-truck. A.J. and T.A. reported seeing what they believed was a video camera set up inside the cab sleeping area of the blue semi-truck. A.J. reported seeing a brown blanket with M&M candy logo on the blue semi-truck's cab sleeping bed.

6) A.J. and T.A. were able to escape from the semi-truck and ran to a business in Highland, Illinois, and reported the incident to law enforcement officers. The Madison County Sheriff's Department received the call to respond to the business in Highland, Illinois, at approximately 11:25p.m. When Madison County Sheriff's Department deputies arrived at the business in Highland, Illinois, A.J. had a white zip tie around her wrist. Both A.J. and T.A. were transported to a hospital and were examined by medical personnel and rape kits were obtained.

7) Law enforcement officers reviewed surveillance camera video from the Flying J Truck Stop on June 15, 2015, and observed the vehicle occupied by A.J. and T.A. drive onto the Flying J Truck Stop parking lot at approximately 3:30p.m. Law enforcement officers observed a

blue semi-truck with a white trailer drive onto the Flying J Truck Stop parking lot at approximately 4:09p.m. and then drive off of the parking lot at approximately 4:35p.m. Law enforcement officers did not observe the interaction between A.J., T.A., and the adult black male on the surveillance camera video.

8) Law enforcement officers searched the area in which A.J. and T.A. reportedly escaped and ran from the semi-truck and found silver duct tape, zip ties, and baby wipes on the ground.

9) Law enforcement officers, to include your Affiant, reviewed cellular telephone call logs from A.J.'s personal cellular telephone and noted the following "Inbound" and "Outbound" cellular telephone calls from and to cellular telephone assigned call number (470) xxx-3663 on June 15, 2015:

(470)				06/15/2015	06/15/2015
xxx-3663	(618) xxx-0828	(618) xxx-0828	Inbound	14:49:33	14:53:57
(618)				06/15/2015	06/15/2015
xxx-0828	(470) xxx-3663		Outbound	14:57:57	14:57:57
(618)				06/15/2015	06/15/2015
xxx-0828	(470) xxx-3663	(470) xxx-3663	Outbound	15:00:59	15:01:52
(618)				06/15/2015	06/15/2015
xxx-0828	(470) xxx-3663	(470) xxx-3663	Outbound	15:19:00	15:21:15
(618)				06/15/2015	06/15/2015
xxx-0828	(470) xxx-3663	(470) xxx-3663	Outbound	15:43:39	15:44:43
(618)				06/15/2015	06/15/2015
xxx-0828	(470) xxx-3663	(470) xxx-3663	Outbound	15:56:00	15:59:44

10) On June 24, 2015, your Affiant obtained a 2703(d) Court Order for cellular telephone assigned call number (470) xxx-3663. On July 2, 2015, your Affiant received the requested records from Cingular/AT&T Mobility pertaining to cellular telephone assigned call number (470) xxx-3663.

11) Cellular telephone assigned call number (470) xxx-3663 is subscribed to "TRACFONE WIRELESS," with a "User Address" in Medley, Florida 33178. No personal

identifying information of the owner / user of cellular telephone assigned call number (470) xxx-3663 was provided.

12) Law enforcement officers, to include your Affiant, reviewed cellular telephone call logs from the cellular telephone assigned call number(470) xxx-3663 and noted the following “Originating Number” and “Terminating Number” cellular telephone calls from cellular telephone assigned call number (470) xxx-3663 and A.J.’s personal cellular telephone on June 15, 2015:

Originating (470) xxx-3663 at 19:49 hours / Terminating (618) xxx-0828 duration of 4:09

Originating (618) xxx-0828 at 20:01 hours / Terminating (470) xxx-3663 duration of 0:42

Originating (618) xxx-0828 at 20:19 hours / Terminating (470) xxx-3663 duration of 1:58

Originating (618) xxx-0828 at 20:43 hours / Terminating (470) xxx-3663 duration of 0:48

Originating (618) xxx-0828 at 20:56 hours / Terminating (470) xxx-3663 duration of 3:30

13) In reviewing the cellular telephone call logs of A.J.’s cellular telephone and cellular telephone assigned call number (470) xxx-3663 call logs, your Affiant noted the consistent 5 hour difference in times. Based on your Affiant’s training and experience this difference could be a result of different time zones and the way the different cellular telephone companies collect, record, and store cellular telephone connection data.

14) In addition to providing the cellular telephone assigned call number (470) xxx-366 call logs, Cingular/AT&T Mobility provided “Cell Location” data for cellular telephone assigned call number (470) xxx-3663. This “Cell Location” data was provided in latitude and longitude coordinates. In addition, the “cell tower” number was provided. Using an Internet search tool, your Affiant used the latitude and longitude coordinates provided by Cingular/AT&T Mobility to locate the “cell tower” on June 15, 2015, at the times cellular telephone assigned call

number (470) xxx-3663 and A.J.'s personal cellular telephone were communicating. The "cell tower" was located in Pontoon Beach, Illinois.

15) On July 9, 2015, a Precision Location Warrant, issued by the U.S. District Court, Southern District of Illinois (case number 15-MJ-4014-PMF) was obtained for cellular telephone number assigned call number (470) xxx-3663. Your Affiant began monitoring the Precision Location Warrant "ping" results from AT&T on July 9, 2015. "Ping" results are transmitted only when the monitored phone is powered on. During the time I was monitoring it, the cellular telephone number assigned call number (470) xxx-3663 was not always powered on and was often powered off for long durations.

16) On July 23, 2015, while monitoring the Precision Location Warrant "ping" results from AT&T, your Affiant was provided latitude and longitude coordinates for the location of cellular telephone assigned call number (470) xxx-3663. These "pings" indicated cellular telephone assigned call number (470) xxx-3663 was in the South Bend, Indiana area at a Pilot Flying J Truck Stop.

17) On July 24, 2015, your Affiant continued to receive Location Warrant "ping" results from AT&T which indicated cellular telephone assigned call number (470) xxx-3663 was in the South Bend, Indiana area, the Chicago, Illinois area, the Champaign, Illinois area, and the Jonesboro, Arkansas, area throughout the day. At approximately 9:30pm, your Affiant noticed the Location Warrant "ping" results indicated cellular telephone assigned call number (470) xxx-3663 was stationary in Jonesboro, Arkansas, at a location near 3513 U.S. Highway 49, Jonesboro, Arkansas 72401. During the time I monitored the cellular telephone assigned call number (470) xxx-3663, the "ping" results did not move from this location. The cellular

telephone assigned call number (470) xxx-3663 “ping” results had a “Certainty Factor” radius of between 8 meters to 64 meters.

18) Law enforcement officers initiated surveillance of the location near 3513 U.S. Highway 49, Jonesboro, Arkansas 72401. Law enforcement officers observed a white semi-truck with a white trailer, bearing Illinois license P797587, with “TATUS TRANSPORTATION USDOT 2177518” written on the white semi-truck. The white semi-truck was parked in a business’ parking lot. Upon inspection of the white semi-truck, law enforcement officers observed the white semi-truck was not running and was not occupied. Law enforcement officers, looking through the closed glass windows of the white semi-truck, observed a bucket inside the white semi-truck. Law enforcement officers located, near the white semi-truck in the parking lot, a plastic bag that contained items to include torn items of clothing.

19) On July 25, 2015, your Affiant ascertained USDOT 2177518 is assigned to Status Transportation. After several unsuccessful attempts in the early morning hours, your Affiant successfully contacted Status Transportation and requested information relating to the white semi-truck bearing Illinois license plate P797587. Status Transportation provided the name of “Malcolm Lee” as the assigned driver of the white semi-truck. Status Transportation provided the telephone numbers of 870-xxx-2570 and 870-xxx-3449 for Lee. Status Transportation told your Affiant Lee has a residence in Jonesboro, Arkansas.

20) On July 25, 2015, law enforcement officers made contact with Lee. Lee agreed to meet law enforcement officers at the parked white semi-truck bearing Illinois license plate P797587. Upon contact with law enforcement officers Lee confirmed he was the owner of the white semi-truck bearing Illinois license plate P797587.

21) Lee provided law enforcement officers written consent to search the white semi-truck. Found inside the white semi-truck were latex gloves, one cut zip-tie, a blanket with a M&M candy logo, and an orange color bucket.

22) Law enforcement officers searched the area around the white semi-truck in the parking lot and found inside a trash can was a cellular “flip” type telephone believed to be the cellular telephone assigned call number (470) xxx-3663. When the law enforcement officer who found this cellular “flip” type telephone he opened the telephone to look at the screen, he observed his cellular telephone number on the screen as a missed call. During the time law enforcement officers were searching for the cellular telephone assigned call number (470) xxx-3663, they were calling the cellular telephone number (470) xxx-3663, in an attempt to hear it ring. The cellular telephone assigned call number (470) xxx-3663 was on silent mode when it was found in the trash can. This “flip” type telephone had the Tracfone Wireless logo imprinted on the telephone. Found on the ground near the trash can in the parking lot were two inter-locked zip-ties.

23) On July 25, 2015, law enforcement officers re-reviewed surveillance camera video from the Flying J Truck Stop on June 15, 2015, and observed at 4:06pm, a white semi-truck driving off of the parking lot with “TATUS TRANSPORTATION USDOT 2177518” written on the white semi-truck.

24) On July 25, 2015, your Affiant made contact with A.J. and showed her a sequential photograph display that contained a known photograph of Malcolm K. Lee, black male, date of birth of 11/xx/1971. After reviewing the photographs, A.J. identified the photograph of Lee as the adult black male that brandished and pointed a handgun at her and T.A. and forced them at gunpoint to get into the semi-truck at the Flying J Truck Stop in Pontoon Beach, Illinois, on June 15, 2015. A.J. said she was “very positive” in her identification of Lee.

25) On July 25, 2015, your Affiant made contact with T.A. and showed her a sequential photograph display that contained a known photograph of Malcolm K. Lee, black male, date of birth of 11/xx/1971. After reviewing the photographs, T.A. identified the photograph of Lee as the adult black male that brandished and pointed a handgun at her and A.J. and forced them at gunpoint to get into the semi-truck at the Flying J Truck Stop in Pontoon Beach, Illinois, on June 15, 2015. T.A. said of the photograph of Lee, "that's him I am very sure."

FURTHER AFFIANT SAYETH NAUGHT.



DANIEL D. COOK

Special Agent, Federal Bureau of Investigation

State of Illinois            )  
                                      ) SS.  
County of St. Clair        )

Sworn to before me, and subscribed in my presence on the 26<sup>th</sup> day of July, 2015, at East  
St. Louis, Illinois.



DONALD G. WILKERSON

United States Magistrate Judge

STEPHEN R. WIGGINTON  
United States Attorney



SUZANNE M. GARRISON  
Assistant United States Attorney